

Senate Study Bill 3063 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act prohibiting state agencies from adopting rules or
2 certain other policies without explicit statutory or
3 judicial authorization.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.23, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. a. An agency shall not adopt,
4 implement, or enforce any rule, standard, requirement, or
5 threshold, including any term or condition of a license or
6 permit issued by the agency, unless that rule, standard,
7 requirement, or threshold is explicitly required or explicitly
8 permitted by a state statute or federal statute or regulation
9 or is necessary to address the requirements of a court ruling
10 specifically relating to the subject of the rule, standard,
11 requirement, or threshold.

12 b. In an action contesting a rule, standard, requirement,
13 or threshold, the burden of proof shall be on the agency to
14 demonstrate that the rule, standard, requirement, or threshold
15 is explicitly required or explicitly permitted by a state
16 statute or federal statute or regulation or is necessary
17 to address the requirements of a court ruling specifically
18 relating to the subject of the rule, standard, requirement, or
19 threshold.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill modifies Code chapter 17A, the Iowa administrative
24 procedure Act, by prohibiting a state agency from adopting,
25 implementing, or enforcing any rule, standard, requirement,
26 or threshold, including any term or condition of a license
27 or permit issued by the agency, unless that rule, standard,
28 requirement, or threshold is explicitly required or explicitly
29 permitted by a state statute or federal statute or regulation
30 or is necessary to address the requirements of a court ruling
31 specifically relating to the subject of the rule, standard,
32 requirement, or threshold.

33 The bill provides that in an action contesting a rule,
34 standard, requirement, or threshold, the burden of proof shall
35 be on the agency to demonstrate that the rule, standard,

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1 requirement, or threshold is explicitly required or explicitly
2 permitted by a state statute or federal statute or regulation
3 or is necessary to address the requirements of a court ruling
4 specifically relating to the subject of the rule, standard,
5 requirement, or threshold.